

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 99-307

June 22, 1999

DAVID AYERS
Appeal Of Consumer Assistance Division
Decision #1999-6575 Regarding Central
Maine Power Company

ORDER ON APPEAL

WELCH, Chairman; NUGENT, and DIAMOND Commissioners

I. Summary

In this Order we uphold the Consumer Assistance Division's decision requiring Central Maine Power (CMP) customer David Ayers to comply with the payment arrangement he made with CMP in January 1999.

II. Background

On April 29, 1999, Mr. Ayers filed a complaint with the Consumer Assistance Division (CAD) stating that CMP had refused to renegotiate his payment arrangement to an amount he could afford. After investigating the complaint, the CAD found that it was unable to set a lower payment arrangement. To prevent disconnection, CAD found that Mr. Ayer must either pay the catch-up amount owed on his broken arrangement (\$2,123.66) or obtain financial assistance for a portion of the overdue amount and negotiate a new payment arrangement with CMP on the unpaid balance.

CAD made its determination after reviewing Mr. Ayer's payment history, previous arrangements, usage history and ability to pay. Mr. Ayer has owed CMP a balance of more than \$1000.00 since at least 1994. His payment history is erratic and he has regularly broken payment arrangements.

In January 1999, Mr. Ayers said he could afford a regular payment arrangement of \$230.00 a month payment, plus current bills for 18 months, with an immediate down payment of \$350.00. Since that time, he has only made two payments, one of \$230 and one of \$149.98; he has not paid his current bills or made any payments since March 1999. CAD found that given his reported income and expenses, Mr. Ayer cannot afford his bills and should seek financial assistance, reduce usage, or make other changes to free up sufficient funds to maintain his arrangement.

Mr. Ayer appealed the decision to the Commission on May 6, 1999. He claims that he is behind in his payments because of his current unemployment situation. He states he can make current payments on a timely basis with a small amount toward the arrearage.

II. DECISION

After reviewing the record of this case, we can find no reason to change CAD's decision. Mr. Ayers has failed to keep past payment arrangements or pay his current bills. This has resulted in a large balance due of \$5,200.00. Creating another similar payment arrangement is not likely to change the situation that has existed over the past four years. CMP is not required by statute or rule to carry large balances for customers. Customers are obligated to comply with their agreements, to pay current amounts and pay off arrearages within a reasonable time. Therefore, we will not investigate this matter further and uphold CAD's decision requiring Mr. Ayers to comply with his payment arrangement.

Dated at Augusta, Maine this 22nd day of June 1999

BY ORDER OF THE COMMISSION

Raymond J. Robichaud
Assistant Administrative Director

COMMISSIONERS VOTING FOR: Welch
Nugent
Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.